

**UNITED STATES DISTRICT COURT  
SOUTHER DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**NED COMER, et al.**

**PLAINTIFFS**

**v.**

**Civil No. 1:11cv220 LG-RHW**

**MURPHY OIL USA, INC., et al.**

**DEFENDANTS**

**DEFENDANTS TOTAL PETROCHEMICALS USA, INC. AND TOTAL  
GAS & POWER NORTH AMERICA, INC.'S JOINDER IN CERTAIN SECTIONS  
OF CERTAIN DEFENDANTS' MOTION TO DISMISS AMENDED COMPLAINT  
[DOC. 207] AND MEMORANDUM BRIEF IN SUPPORT [DOC. 210]**

COME NOW Defendants Total Petrochemicals USA, Inc. and Total Gas & Power North America, Inc. (collectively, "Total Defendants"), through undersigned counsel, join in certain sections of *Certain Defendants' Motion to Dismiss Amended Complaint Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6)* [Doc. 207] and their *Memorandum Brief in Support* of same [Doc. 210], which were filed on October 14, 2011. Specifically, the Total Defendants join in with the following sections of the Certain Defendants' Memorandum in Support of their Motion to Dismiss [Doc. 210]:

1. The entire subsection I(B) entitled "Under Principles of Collateral Estoppel, the Final Judgment in *Comer I* Bars Plaintiffs' Claims in *Comer II*," beginning on page 23.
2. The entire section II entitled "Plaintiffs Lack Standing to Pursue Their Climate Change Claims," beginning on page 31.
3. The entire section III entitled "This Case Presents Non-Justiciable Political Questions," beginning on page 39.

4. The entire section V entitled “Plaintiffs Cannot Establish Proximate Causation,” beginning on page 50.

5. The entire section VI entitled “The Claims In This Case Are Unavailable Under Federal Or State Law,” beginning on page 57.

This the 14<sup>th</sup> day of October, 2011.

RESPECTFULLY SUBMITTED,

TOTAL PETROCHEMICALS USA, INC. and  
TOTAL GAS & POWER NORTH AMERICA,  
INC.

/s/ Jeffery P. Reynolds  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 14, 2011, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which provides electronic notice to all counsel of record.

This the 14<sup>th</sup> day of October, 2011.

TOTAL PETROCHEMICALS USA, INC. and  
TOTAL GAS & POWER NORTH AMERICA,  
INC.

/s/ Jeffery P. Reynolds  
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